

## AMENDMENTS TO THE CLAIMS

1. (currently amended) A system for communicating messages comprising:

a data network to provide data connectivity for a plurality of data communications channels using data transport protocols;

first, second and third data network telephones connected to the data network, each of the first, second and third data network telephones operable to communicate a voice signal as voice-over-data packets on a voice-over-data channel, the voice over data channel being one of the plurality of data communications channels on the data network, each data network telephone operable to convert voice-over-data packets communicated on the voice-over-data channel to voice signals; and

a messaging application connected to the data network, the messaging application adapted to detect a first voice over data channel between the first data network telephone and the second data network telephone, to establish a messaging media connection comprising a second data communications channel to the first data network telephone, to receive data messages from the third data network telephone and to send the data messages to the first data network telephone;-

a contact list comprising at least one contact user identifier, wherein the messaging application is adapted to establish a data channel to each of the at least one contact user identifier;

a contacts detector to detect a data communications channel with the at least one of the contact user identifier; and

a contacts reporter operable to communicate a report data message to the first telephone, the report data message comprising selected ones of the at least one contact user identifiers with whom the first telephone may communicate messages

2. (original): The system of Claim 1 wherein the messaging application is adaptable to detect a second voice over data channel to the third data network telephone and to send a contact user identifier to the first data network telephone.
3. (original): The system of Claim 1 wherein the messaging application is adapted to send a messaging input screen to the first data network telephone, the messaging input screen comprising a message input area and a contacts available list.
4. (original): The system of Claim 3 wherein the messaging application is adaptable to detect a second voice over data channel to the third data network telephone and to send a contact user identifier to the first data network telephone for display on the contacts available list.
5. (canceled).
6. (currently amended): The system of Claim 15 wherein the messaging application is adapted to send a messaging report to each of the at least one contact user identifiers.
7. (original): The system of Claim 1 wherein the data messages comprise text-based messages.

8. (original): The system of Claim 1 wherein the data messages comprise voice-based messages.

9. (original): A messaging application for communicating messages over a data network comprising:

a connection detector adapted to detect a first voice over data channel between a first telephone and a second telephone;

a communications function operable to establish a messaging media connection with the first telephone; and

a messaging function operable to communicate a messaging input screen to the first telephone and to communicate data messages with the first telephone;

a contacts connected list comprising at least one contact user identifier;

a contacts detector to detect a data communications channel with the at least one of the contact user identifier; and

a contacts reporter operable to communicate a report data message to the first telephone, the report data message comprising selected ones of the at least one contact user identifiers with whom the first telephone may communicate messages.

10-12. (canceled).

13. (original): The messaging application of Claim 9 ~~12~~ further comprising a connection announcer operable to communicate a data message to at least one of the contact user identifiers, the data message operable to enable communications between the first telephone and the contact user identifiers.

14. (currently amended): The messaging application of Claim ~~9~~<sup>11</sup> ~~wherein the~~ comprising a contacts connected list ~~s~~ operable to store connected contacts detected by the contacts detector.

15. (original): The messaging application of Claim 9 further comprising a connection to a telephony connection server comprising a telephone account for the first telephone, the connection operable to communicate a connection status to the messaging application.

16. (currently amended): A method for communicating messages over a data network comprising the steps of:

detecting a voice over data communications channel between a first telephone and a second telephone;

detecting a voice over data communications channel to a third telephone;

sending a messaging input screen to the first telephone, the messaging input screen comprising a contact to the third telephone;

sending a connection data message to the third telephone to report the availability of the first telephone for messaging;

receiving a data message from the third telephone to the messaging application;

and

sending the data message to the first telephone;

receiving a data message at the messaging input screen;

selecting the third telephone to receive the data message;

communicating the data message to the messaging application; and

communicating the data to the third telephone.

17. (canceled).

18. (currently amended): A method for communicating messages over a data network comprising the steps of

detecting a voice over data communications channel between a first telephone and a second telephone;

detecting a voice over data communications channel to a third telephone;

sending a messaging input screen to the first telephone, the messaging input screen comprising a contact to the third telephone;

sending a connection data message to the third telephone;

receiving a data message at the messaging input screen;

selecting the third telephone to receive the data message;

communicating the data message to the messaging application; and

communicating the data message to the third telephone;

receiving a data message from the third telephone to the messaging application;

and

sending the data message to the first telephone.

19. (canceled).